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Ness Technologies Inc., Satyam C. Cherukuri,
Issachar "Sachi" Gerlitz, Morris Wolfson,
Dan S. Suesskind, P. Howard Edelstein
and Gabriel Eichler

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NISSIM BOTTON, On Behalf of Himself and :
All Others Similarly Situated,

Plaintiff,

v.

: C.A. No.: 2:11-cv-03950(SRC)(MAS)

NESS TECHNOLOGIES, INC., AHARON
FOGEL, AJIT BHUSHAN, SATYAM C.
CHERUKURI, SASHI GERLITZ, P.
HOWARD EDELSTEIN, GABRIEL
EICHLER, DAN S. SUESSKIND, MORRIS
WOLFSON, CITI VENTURE CAPITAL
INTERNATIONAL, JERSEY HOLDING
CORPORATION, AND JERSEY
ACQUISITION CORPORATION,

Defendants.

: **Oral Argument Requested**

: **NOTICE OF MOTION
TO DISMISS THE COMPLAINT**

TO: James E. Cecchi, Esq.
Lindsey H. Taylor, Esq.
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Attorneys for Plaintiff Nissim Botton

COUNSEL:

PLEASE TAKE NOTICE that on Monday, August 15, 2011 at 10:00 a.m., or as soon thereafter as counsel may be heard, Defendants Ness Technologies Inc., Satyam C. Cherukuri, Issachar "Sachi" Gerlitz, Morris Wolfson, Dan S. Suesskind, P. Howard Edelstein and Gabriel Eichler (collectively, the "Ness Defendants"), through their counsel Skadden, Arps, Slate, Meagher & Flom LLP, will move before the Honorable Stanley R. Chesler, United States District Judge, at the M.L. King, Jr. Federal Building & Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an order dismissing this action with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6).

PLEASE TAKE FURTHER NOTICE that in support of their motion, Ness Defendants will rely on the Memorandum of Law in Support of the Ness Defendants' Motion to Dismiss; Certification of Andrew Muscato in Support of the Ness Defendants' Motion to Dismiss and exhibits thereto; and such other papers as may be filed in support of this motion. A proposed order is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is hereby requested on the motion.

/s/ Andrew Muscato

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DATED: July 21, 2011